

NOTE: CHANGES MADE BY COURT

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KATIE CAPPuccio,

Plaintiff,

v.

CALIFORNIA STATE UNIVERSITY,
FULLERTON, and DAVID
FORGUES, in his individual capacity
and office capacity as Vice President of
Human Resources,

Defendant.

Case No. 8:23-cv-02026-FWS-DFM

**ORDER RE JOINT STIPULATION
TO MODIFY SCHEDULING
ORDER [57]**

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Having reviewed and considered the Joint Stipulation to Modify Scheduling Order [57] (“Stipulation”), filed by Plaintiff Katie Cappuccio (“Plaintiff”) and Defendant California State University Fullerton (“Defendant CSU”) and Defendant David Forgues (“Defendant Forgues”), the files and records of the case, and for the good cause demonstrated in the Stipulation, in its discretion, the court **ORDERS** the court’s March 1, 2024, Scheduling Order [22] **MODIFIED** to read as follows (with changes indicated by italics):¹

EVENT	DATE
Check one: <input checked="" type="checkbox"/> Jury Trial or <input type="checkbox"/> Bench Trial Tuesday at 8:00 a.m.	First Day: 6/24/2025
Parties’ Estimated Trial Length	4-5 days
Pretrial Conference & Hearing on Motions in Limine Thursday at 8:30 a.m.	5/15/2025
Last Date to Hear Motion to Amend Pleadings /Add Parties Thursday	8/1/2024
Non-Expert Discovery Cut-Off	11/28/2024²
Expert Disclosure (Initial)	12/6/2024
Expert Disclosure (Rebuttal)	12/20/2024
Expert Discovery Cut-Off	1/9/2025
Last Date to Hear Motions	2/13/2025³

¹ This Order is now the Operative Scheduling Order in this case. Also, to the extent this Order does not encompass a request made in the Stipulation, the court, based on the state of the record, as applied to the applicable law, and within its discretion, has denied and/or modified that request. *See Mediterranean Enters., Inc. v. Ssangyong Corp.*, 708 F.2d 1458, 1465 (9th Cir. 1983) (“The trial court possesses the inherent power to control its own docket and calendar.”).

² As an exception to the Non-Expert Discovery Deadline, Defendant CSU may take Plaintiff’s deposition on or before **December 11, 2024**. As an exception to the Non-Expert Discovery Deadline, Plaintiff may take Defendant Forgues’s deposition on **December 17, 2024, beginning at 1 p.m.** on Defendant CSU’s campus.

³ To accommodate the request that Defendant “CSU may file its dispositive motion on or before December 30, 2024,” (Stipulation at 3), in conjunction with the scheduling order’s requirement that “Motion[s] for Summary Judgment [are] due at least 6 weeks before hearing,” the court has exercised its discretion and continued the “Last Day to Hear Motions” such that December 30, 2024, is at least 6 weeks before the hearing date. Based on this date being continued to accommodate the request, the

(Footnote Cont’d on Following Page)

1	Thursday	
2	• Motion for Summary Judgment (due at least 6 weeks before hearing); <i>Specifically, Defendant “CSU may file its dispositive motion on or before December 30, 2024” (Stipulation at 3)</i>	
3	• All other motions (due at least 4 weeks before hearing)	
4	• Opposition (due 2 weeks after Motion is filed)	
5	• Reply (due 1 week after Opposition is filed)	
6	Deadline to Complete Settlement Conference [L.R. 16-15]	2/27/2025
7	[x] 1. Magistrate Judge (with Court approval)	
8	[] 2. Court’s Mediation Panel	
9	[] 3. Private Mediation	
10	Trial Filings (first round)	4/3/2025
11	• Motions in Limine with Proposed Orders	
12	• <i>Daubert Motions with Proposed Orders</i> ⁴	
13	• Memoranda of Contentions of Fact and Law [L.R. 16-4]	
14	• Witness Lists [L.R. 16-5]	
15	• Joint Exhibit List [L.R. 16-6.1]	
16	• Joint Status Report Regarding Settlement	
17	• Proposed Findings of Fact and Conclusions of Law [L.R. 52] (bench trial only)	
18	• Declarations containing Direct Testimony, if ordered (bench trial only)	
19	• <i>Affirmative Deposition Designation(s)</i>	

court has continued subsequent dates in the scheduling order. *See Mediterranean Enters., Inc. v. Ssangyong Corp.*, 708 F.2d 1458, 1465 (9th Cir. 1983) (“The trial court possesses the inherent power to control its own docket and calendar.”)

⁴ *Daubert* motions and oppositions to *Daubert* motions shall not exceed ten (10) pages in length.

Trial Filings (second round)

4/10/2025

- Oppositions to Motions in Limine
- *Oppositions to Daubert Motions*⁵
- Joint Proposed Final Pretrial Conference Order [L.R. 16-7]
- Joint/Agreed Proposed Jury Instructions (jury trial only)
- Disputed Proposed Jury Instructions (jury trial only)
- Joint Proposed Verdict Forms (jury trial only)
- Joint Proposed Statement of the Case (jury trial only)
- Proposed Additional Voir Dire Questions, if any (jury trial only)
- Evidentiary Objections to Declarations of Direct Testimony (bench trial only)
- *Objections and Counter Deposition Designation(s)*

- *Objections to Counter Designation(s) and Counter-Counter Deposition Designation(s)*

4/17/2025

Dated: November 27, 2024



Hon. Fred W. Slaughter
UNITED STATES DISTRICT JUDGE

CC: ADR

⁵ Pursuant to this court's order on pretrial and trial procedures, the parties shall not file replies to the motions in limine. (*See* Dkt. 23 at 4 ("Unless the court determines otherwise, counsel shall not file any replies.")) In addition, unless the court determines otherwise, the parties shall not file replies to any *Daubert* motions.